

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

Ex parte BERNARD DASKAL

Application 09/489,655

MAILED

MAY 16 2005

U.S. PATENT AND TRADEMARK OFFICE  
BOARD OF PATENT APPEALS  
AND INTERFERENCES

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received at the Board of Patent Appeals and Interferences (BPAI) on March 1, 2005. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below.

An Information Disclosure Statement (IDS) was filed on October 18, 2002. It is not apparent from the record that the examiner has considered the statement submitted nor notified

Application 09/489,655

applicant(s) of why the submission did not meet the criteria set forth in 37 CFR § 1.197 and § 1.98.

Accordingly, it is

**ORDERED** that the application is returned to the examiner for consideration of this IDS and for such further action as may be appropriate.

BOARD OF PATENT APPEALS  
AND INTERFERENCES

By: Frances Han  
Frances Han  
Program and Resource Administrator  
(571) 272-9797

CC:

Charles R. Macedo  
Amster, Rothstein & Ebenstein  
90 Park Avenue  
21<sup>st</sup> Floor  
New York, NY 10016

FH/cam



#12  
DA  
10/30/02  
28951/3

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Bernard Daskal  
Serial No. : 09/489,655  
Filed : January 24, 2000  
For : COLORED PANTY LINERS  
Examiner : Catharine L. Anderson  
Group Art Unit : 3761

"Express Mail" mailing label No. FV 031301751 US  
Date of Deposit: October 18, 2002

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Commissioner for Patents, Washington, D.C. 20231.  
Name: Brian A. Comack

Signature:

RECEIVED

OCT 24 2002

TECHNOLOGY CENTER R3700

Commissioner for Patents  
Washington, D.C. 20231

Sir:

Pursuant to 37 C.F.R. §§ 1.56, 1.97, and 1.98, Applicant encloses herewith forms PTO/SB/08A and PTO/SB/08B, containing references which although not believed to be prior art to the present Application may nevertheless be deemed relevant to the above-identified application, along with a copy of each of the documents and products cited therein. The Examiner is respectfully requested fully to consider all of the enclosed items and independently to assess their teachings. *TECH:CLL/CLL*

No item of information contained in the enclosed Information Disclosure Statement ("IDS") was cited in a communication from a foreign Patent Office in a counterpart foreign application. The information disclosed herein is not believed to be prior art to the present Application since it was neither published nor sold to the public after the time that the Application was filed. Accordingly, although not material to patentability under 37 CFR § 1.56, Applicant nevertheless discloses these material to make

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Applicants : Bernard Daskal  
Serial No. : 09/489,655  
Filed : January 24, 2000  
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the record complete, as Applicant makes reference to these materials in the Appeal Brief submitted herewith.

It is believed that no additional fees are necessary in connection with the filing of this Information Disclosure Statement. However, if any fees are required, authorization is hereby given to charge the amount of any such fee to Deposit Account No. 01-1785.

Respectfully submitted,

AMSTER, ROTHSTEIN & EBENSTEIN  
90 Park Avenue  
Attorneys for Applicant  
New York, New York 10016  
(212) 697-5995

Dated: October 18, 2002  
New York, New York

By:   
Charles R. Macedo  
Registration No. 32,781



PTO/SB/08A (10-01)

Approved for use through 10/31/2002. OMB 0651-0031

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Substitute for form 1449A/PTO

## **INFORMATION DISCLOSURE STATEMENT BY APPLICANT**

(use as many sheets as necessary)

Sheet 1 of 2

**Complete if Known**

Application Number	09/489,655
Filing Date	January 24, 2000
First Named Inventor	Bernard Daskal
Art Unit	3761
Examiner Name	Catherine L. Anderson
Attorney Docket Number	28951/3

Sheet 1 of 2

Attorney Docket Number 28951/3

## U.S. PATENT DOCUMENTS

RECEIVED

OCT 24 2002

TECHNOLOGY CENTER R3700

## FOREIGN PATENT DOCUMENTS

Examiner  
Signature \_\_\_\_\_ Date  
Considered \_\_\_\_\_

**EXAMINER:** Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if

English language Translation is attached.

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Substitute for form 1449B/PTO		<b>Complete if Known</b>	
<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>		Application Number	09/489,655
(use as many sheets as necessary)		Filing Date	January 24, 2000
		First Named Inventor	Bernard Daskal
		Group Art Unit	3761
		Examiner Name	Catherine L. Anderson
Sheet	2	of	2
		Attorney Docket Number	

## OTHER PRIOR ART – NON PATENT LITERATURE DOCUMENTS

<b>Examiner</b> <b>Signature</b>		<b>Date</b> <b>Considered</b>	
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**\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.**

<sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> Applicant is to place a check mark here if English language Translation is attached.

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